

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

November 20, 2008



Rezoning RZ 08-21: IPS Group (for Scott Ball)

CASE DESCRIPTION: a request to change the zoning classification from Retail District (C-2) to Planned Development – Housing District (PD-H)

LOCATION: a tract of land located southeast of the intersection of Wellborn Road and Old College Road

LEGAL DESCRIPTION: 0.78 acres of land, being Lot 2 and 0.12 acres out of Lot 1 in Block 1 of Village on the Creek Condominium Subdivision

APPLICANT(S): Scott Ball

AGENT: Natalie Ruiz, of IPS Group

STAFF CONTACT: Randy Haynes, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** this rezoning request.

LOCATION MAP:



AERIAL PHOTOGRAPH (2008):



PHOTOGRAPHS OF SUBJECT PROPERTY (TAKEN 11/10/2008):



INFORMATION PROVIDED BY APPLICANT' AGENT:



Lofts on Wellborn *Planned Development - Housing (PD-H) Proposal*

Purpose & Intent:

The purpose of this development is to provide a high density residential development with a modern urban design. The site chosen is a small infill tract predominately surrounded by more traditional multi-family housing. The development can utilize existing infrastructure and will create an attractive appearance at what is now a vacant corner.

Permitted Uses:

Those allowed in RD-7 Residential, RD-5 Residential, and MF Multi-Family zoning districts.

Proposed Use:

Multi-family residential units

Property Data:

Legal Description:

Lot 2 and an adjacent .12 acre portion of Lot 1 in Block 1 of Village on the Creek Condominium Subdivision

Acreage:

0.78 acres

Existing Zoning:

C-2 Retail District

Current Use:

Vacant

Project Characteristics:

Proposed unit count:

Maximum of 36 dwelling units (mix of 1 & 2 bedrooms units)

Building Height:

Average 56' height (4-stories plus parking underneath)

Setbacks:

Rear 26'; Side 7.5' minimum; Front 25' minimum.

Buffer Requirements:

None – Surrounded by multi-family & commercial uses

Landscaping:

Urban landscape with plantings concentrated at the Wellborn Road / Old College transition.

Parking:

Urban design with parking surrounding and under the building with smaller end islands to maximize the number of parking spaces.

Fire Access:

A fire hydrant will be located along the Wellborn frontage to provide required building coverage along with 26' wide drive aisles. As the detailed site plan is developed the developer will work with the Fire Department on alternatives if necessary to provide enhanced building coverage. Alternatives exist including a pass-through under the building for fire access, an emergency connection between the front and rear aisles, and or no parking under the building with complete circulation around the perimeter.

Lighting & Signage:

Will be developed in accordance with City of Bryan code requirements.

Driveway Access:

Access to the site will be limited to Wellborn Road with a right-in and right-out driveway. Throat depth is less than typical but there is adequate space on-site for vehicle stacking.

BACKGROUND:

The subject property is 0.78 acres in size, zoned Retail District (C-2) and has never been developed. Attempts to develop the property as a retail center have not been successful. The relatively small size of the tract, combined with inadequate commercial access and buffering requirements appear to have made the site unattractive to retail developers.

The applicant proposes a multi-story apartment project at this location. The project is designed to take advantage of the available land and its proximity to the university campus and existing transit routes. Bryan's Zoning Ordinance does not address higher densities that accompany medium- to high-rise housing. To permit the proposed high-rise multi-family development of this tract, the applicant has submitted a development plan that provides land use regulation that will ensure safe and orderly development of this site.

A Planned Development District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in the Zoning Ordinance. While greater flexibility is given to allow special conditions or restrictions which would not otherwise allow the development to occur, the Zoning Ordinance has additional criteria for approval of Planned Developments to help ensure against misuse of increased flexibility.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a new Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects of the community.

City-wide land use policies articulated in the Comprehensive Plan mandate that the city will encourage flexibility when drafting regulations geared toward infill and redevelopment. The planned development process as outlined in the ordinance is an excellent tool to manage and regulate infill development that otherwise may not occur within the limits of the ordinance.

The Comprehensive Plan recommends encouraging multifamily development along collector or arterial streets at mid-block locations, where appropriate. Although the subject tract does not lie at a mid-block location, its location and above-described features support its use for multi-family residential purposes.

ANALYSIS:

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors.

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned; relationship to general area and the City as a whole.

The area surrounding the subject tract is presently zoned for multifamily use. While retail zoning is desirable at intersections of major thoroughfares, retail development has not occurred and appears to be hampered by site specific constraints. The location of the site near campus and along transit routes make it appropriate for higher density residential use.

2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area and shall note the findings.

The proposed zoning change can be accommodated by existing public infrastructure. Access to Wellborn Road near its intersection with South College Road is limited and will better serve residential use rather than retail traffic.

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

There are currently no other areas classified for similar development. This proposed PD-H District, if approved, would be the first of its kind in Bryan. Staff believes that approving this zoning district at this location should not affect the developability of other properties in this vicinity or elsewhere in the city.

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

Staff is not aware of any other high-rise multi-family residential developments currently under consideration in the community.

5. How other areas designated for similar development will be, or are unlikely to be affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

As mentioned above, there are currently no other areas classified for similar development.

6. Any other factors affecting health, safety, morals, or general welfare.

Staff is unable to discern any other factors related to this rezoning request that will adversely affect health, safety, morals, or general welfare.

In addition, the Planning and Zoning Commission shall not approve a planned development if it finds that the proposed planned development does not conform with applicable regulations and standards established by Section 130-125 of the Zoning Ordinance:

1. Is not compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features, within the standards established by this section.

Staff believes that use and development proposed at this location, will generally be compatible with existing and anticipated uses surrounding this property. Staff believes that the proposed use and development of this property should have minimal (if any) adverse impacts on nearby properties and the City as a whole.

2. Potentially creates unfavorable effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the provisions of this section.

Staff is unable to identify any potentially adverse effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the provisions of the proposed PD-H District.

3. Adversely affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

Staff contends that the proposed development will not adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity.

4. Adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

Staff contends that the proposed development will not adversely affect traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

5. Fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

Staff contends that the proposed development will reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts, in conformance with applicable city ordinances.

6. Will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, for reasons specifically articulated by the commission.

Staff believes that the proposed use and development of this property will neither adversely affect health, safety, morals, or general welfare nor be materially injurious to properties or improvements in the vicinity.

RECOMMENDATION:

Staff recommends **approving** the proposed rezoning to Planned Development – Housing (PD-H), as requested.